

REMARKS

Applicant has carefully reviewed and considered the Non-Final Office Action mailed December 28, 2004, and the references cited therewith. In order to expedite the prosecution and issuance of this application, claims to the Allowable Subject Matter, as determined by the examiner, are being pursued. The other claims are cancelled with traverse of the rejections and keeping the right to pursue such claims in follow-on continuation and divisional applications. Applicant has added new claims 118-195 to more fully describe the claimed invention. The new claims are supported by the original claims. No new matter is added. It is believed that 107 total claims (16-17, 20-24, 65-78, 101-107, 116, and 118-195) with 7 independent claims (16, 20, 65, 101, 116, 145, and 146) remain pending for consideration.

35 USC §112 Rejection of Claims 1-34, 115, 116

Claim 1 was rejected under 35 USC § 112 as being indefinite. Claims 2-34, 15, and 116 are dependent back to claim 1. Applicant respectfully traverses. Claim 1, in part, states:

depositing a first film layer on the substrate by:

- (a) depositing a first material to a location on the substrate, and
- (b) supplying energized ions of a second material different than the first material directed towards the first material to supply energy thereto and assisting growth of crystalline structure of the film layer during the deposition of the first material on the substrate;

In response to the Examiner's suggestion, Applicant has amended claim 16 with a modified version of claim 1, in order to clarify that "during" includes simultaneously depositing the first material and supplying energized ions of a second material.

depositing a first film layer on the substrate by a process that includes simultaneously:

- (a) depositing a first material to a location on the substrate, and
- (b) supplying energized ions of a second material different than the first material directed towards the first material to supply energy thereto and assisting growth of crystalline structure of the film layer during the deposition of the first material on the substrate;

Claim 1 has cancelled to expedite the allowance of Allowable Subject Matter as determined by

the examiner. Dependent claims 16, 20, and 116 are amended to include all limitations of claim 1, including the above clarification. Claim 17 is dependent on claim 16,

§103 Rejection of the Claims

Claims 1-15, 18, 19, 25-34, 108-115 were rejected under 35 USC § 103(a) as being unpatentable over Chen et al. (6,645,656) in combination with Muffoletto et al. (6,599,580) and Allen et al. (6,077,621). Applicant respectfully traverses. Since these claims are cancelled herein in favor of prosecuting them in a future continuation or divisional, no argument is being presented here.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 502931.

Respectfully submitted,

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By their Representatives,

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This correspondence is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

In the Drawings

Please replace the entire set of informal drawing with the included set of replacement formal drawings. No new matter has been added.